

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 56417

Theresa Lynn Carmichael
Barbara Crites Griffiths

7725 Eastdale Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 1, 2009, for a hearing on a citation for violations under the Baltimore County Code (BCC) section 12-4-201, 202; 13-7-309, 310 failure to store waste in tightly covered, weather tight rodent resistant containers of approved construction; (BCC) section 13-7-112, 113, 115, 116, maintaining a "public health nuisance" on residential property zoned DR 10.5 known as 7725 Eastdale Road, 21224.

On March 10, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: the Respondent, Theresa Carmichael and Robert Moorefield, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 23, 2009 for improper storage of lumber on the ground, and failure to store solid waste in cans with tight fitting lids. This Citation was issued on March 10, 2009. Photographs in the file show the lumber was removed, but garbage still improperly stored in cans without lids. Inspector Moorefield testified that there is substantial rat activity in the neighborhood and that he observed rat droppings on Respondent's property.

B. Respondent Carmichael is the tenant and daughter of the property owner. She testified that she has obtained proper garbage cans with tight lids and that all garbage will be properly stored. Inspector Moorefield testified that the property is in compliance. Because compliance is the goal of code enforcement, the proposed civil penalty will be rescinded.

IT IS ORDERED by the Code Enforcement Hearing Officer that the civil penalty is RESCINDED.

ORDERED this 8th day of April 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO VIOLATOR: The violator is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Violator may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Violator may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.